

**STATE OF CALIFORNIA
WORKFORCE INVESTMENT ACT (WIA)
WAIVER REQUEST**

Waiver Relating to Program Design Flexibility for Summer Youth Activities

The California Workforce Investment Board (State Board) and the Employment Development Department (EDD), as the administrative entity of the WIA, submit this request for a waiver to apply the program design flexibility for summer youth outlined in TEGl 26-09 Section 8.2.C for youth enrolled in summer employment activities funded either with WIA youth formula allocations or with WIA youth formula allocations in conjunction with TANF ECF monies.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 Code of Federal Regulations Part 661.420(c), please accept the following as a request for waiver.

A. Statutory or Regulatory Requirements to be Waived

The State Board respectfully requests a waiver of the required program elements in WIA Section 129(c)(2). The waiver would apply to youth enrolled in summer youth employment activities funded by WIA youth formula allocations or in conjunction with TANF ECF monies. This waiver would apply during the period of May 1, 2010 through September 30, 2010.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

This goal of this waiver request is to provide the local areas with the flexibility to determine the type and level of assessment to be included in an Individual Service Strategy (ISS) for youth participating in a summer youth employment activity during the summer months only and if the 12 month follow-up will be appropriate for these youth participants.

If this waiver is granted, the local areas and TANF agencies will be able to expeditiously serve low income participants as well as those with barriers to employment, such as out-of-school youth and those most at risk of dropping out; youth in and aging out of foster care; youth offenders and those at risk of court involvement; homeless and runaway youth; children of incarcerated parents; migrant youth; Indian and Native American youth; and youth with disabilities. The local areas will offer supportive services, occupational skills training, and other relevant services youth this summer.

Overall, the youth employment rate has continued to remain extremely low during the current economic downturn. A recent projection stated that youth summer employment is at its lowest in over 4 decades. The American Reinvestment and Recovery Act (ARRA) funding for summer youth programs during the summer of 2009 reached large

numbers of youth. However, the need still exists for continued outreach and opportunity. While there is little or no ARRA youth funding in some local areas, regular WIA youth formula funding exists and significant TANF EC funding is also available. The granting of this waiver will assist TANF entities and local areas to pool their resources to provide opportunities for low-income and at-risk youth.

Allowing for flexibility in assessments, ISSs, and follow-up services allows the State Board and the local areas to give youth a unique opportunity to explore work experiences that may not have been possible without the pooling of ARRA, WIA and TANF ECF. Without this waiver, the assessment and follow-up requirements would impede the true intent of this summer employment program as concerns over monitoring and separation of funding streams would overshadow the great opportunities and choices given to California's youth during these challenging economic times.

C. State or Local Statutory or Regulatory Barriers

There are no State or local statutory or regulatory barriers to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

Youth participants ages 14 to 21 are impacted by this waiver request. In addition, the local areas, local TANF agencies and their business partners that employ the eligible youth will be impacted.

The EDD, in cooperation with the California Workforce Association surveyed California's 49 local areas regarding WIA/TANF youth co-enrollment. Seventeen Local Workforce Investment Boards responded to the survey. The local areas are distributed geographically throughout the State and are representative of the State's diverse regional economies and populations. Following are the survey questions and results:

- An *estimate* of the number of youth that will be co-enrolled in the WIA youth program and in TANF summer youth employment activities during PY 2010.

Of the 17 respondents, nine plan on co-enrolling youth in WIA and TANF summer youth programs, totaling approximately 2,450 youth.

- An *estimate* of the percent of PY 2010 WIA youth program enrollees that will be co-enrolled TANF summer youth employment participants only, and not participate in the WIA youth program beyond summer.

It is estimated that an average of 50 percent of youth co-enrolled in WIA/TANF activities statewide will not participate in the WIA program beyond summer.

Understanding that the response is representative of only one third of California's local areas, these numbers are only estimates and are expected to increase as the summer youth program is implemented in California.

It is anticipated that where these TANF and local area partnerships are formed and operating, both the WIA youth funds and TANF ECF funds will be used to pay wages for youth this summer. Some of these youth will be eligible for both funding sources and may be co-enrolled in both programs. Each youth will meet the eligible criteria for their appropriate funding source (age, eligibility, etc.). Additionally, both WIA and TANF ECF funding will be used to pay youth wages plus contractor costs to run and supervise the youth as appropriate.

The local areas are best positioned to make determinations and assessments of the youth participating in the summer employment opportunities. For those older youth that are not expected to return to school, individual service plans and strategies will be documented and the participants will be enrolled in WIA Adult programs or provided further education and training under WIA youth funded activities.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

This waiver is the result of guidance and encouragement from the Department of Labor and U.S. Department of Health and Human Services Administration for Children and Families along with input from LWIBs. As with all other major policy and procedural decisions made by the State, we relied heavily upon input from local partners. The potential impediments and benefits of being granted this waiver were extensively discussed with local partners to gain input on those areas and presented at the California Workforce Association's quarterly meeting. State policy for the length of the public comment period is 30-days. However, due to the expediency required to implement this program, that period was reduced to 10 days to ensure the necessary flexibility is provided to local areas in a timely manner to effect these summer youth programs and the youth served by them.

If this waiver is approved, youth who are in need of additional services under WIA shall have the justification documented in their individual service plans and will be enrolled into other experiences such as WIA youth services or co-enrolled into a WIA Adult program or service.

The CWIB and the EDD, as the administrative entity of the WIA in California, will monitor all summer youth employment programs. The State's current monitoring policy/procedures will be modified to include a review of the appropriate youth participant plans.